

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

LOIS JENKINS,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 20-CV-790-HE
)	
CSAA INSURANCE EXCHANGE;)	
CSAA FIRE AND CASUALTY)	
INSURANCE COMPANY d/b/a AAA)	
FIRE & CASUALTY INSURANCE)	
COMPANY; and AUTOMOBILE)	
CLUB OF OKLAHOMA, d/b/a AAA)	
OKLAHOMA;)	
)	
Defendants.)	

CSAA INSURANCE EXCHANGE’S MOTION TO DISMISS¹

Pursuant to FED.R.CIV.P. 12(b)(6), CSAA Insurance Exchange (the “Exchange”) respectfully requests the Court dismiss it from the instant litigation. As evidenced in the attachments to Plaintiff’s Petition [Dkt. No. 1-1], and particularly the policy attached as Exhibit 1 to Plaintiff’s Petition, and discussed in the Notice of Removal [Dkt. No. 1], the Exchange is not a party to the policy at issue. Plaintiff’s only allegation against the Exchange is an unsupported and unsupportable claim that the Exchange is liable because it is the parent company of CSAA Fire & Casualty Insurance Company. Petition at ¶¶ 4, 6. This contention has been repeatedly rejected. *Sandhar v. CSAA General Ins. Co., et al.*,

¹ There is some suggestion that the Exchange need not respond at all given it was fraudulently joined here. In filing the instant Motion, the Exchange is simply seeking to preserve its rights and comply with the Federal Rules of Civil Procedure. It does not waive any grounds for relief; to the contrary, the claims against the Exchange should also be dismissed on the separate grounds that it was fraudulently joined here. *See* [Dkt. No. 1].

19-CV-306-JED-FHM, Northern District (originally filed in Tulsa County, CJ-2019-1635) [Dkt. No. 31]; *Strome v. CSAA Insurance Exchange et al.*, 19-CV-573-CVE-FHM, Northern District of Oklahoma [Dkt. No. 30]; *DeSmet v. CSAA Insurance Exchange et al.*, 19-CV-624-CVE-JFJ, Northern District of Oklahoma [Dkt. No. 17] .

WHEREFORE, the Exchange should be dismissed from the instant litigation.

Respectfully Submitted,

s/Matthew C. Kane

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CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2020, I transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following registrants:

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s/Matthew C. Kane

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